

**City of Tillamook
Planning Commission
Minutes
October 2, 2008**

I. CALL TO ORDER:

Chairperson Stewart called the meeting to order at 7:00 pm.

Commission Members Present:

Jan Stewart, Chairperson
Tamra Jacobs
Rob Huston
Howard Harrison
Nick Hahn

Commission Members Absent:

Ray Jacobs (excused)

Staff Present:

David Mattison, City Planner

II. HEARINGS OF CITIZENS AND DELEGATIONS: NONE

**III. APPROVAL OF PLANNING COMMISSION HEARING MINUTES
FROM SEPTEMBER 18, 2008**

Some minor changes were identified that needed to be made in the minutes.

Commissioner Harrison moved to approve the minutes of September 18, 2008 with changes. Motion seconded by Commissioner Huston. Motion passed unanimously in favor (Commission Member T. Jacobs abstained).

IV. PUBLIC HEARINGS:

1. Atlas Tillamook, #SP-08-04, Site Plan Review, to construct an additional 32 space off-street parking lot with a new garbage enclosure on the subject property (Tax Lot 307) and request a variance of 22 off-street parking spaces from the maximum number of off-street parking spaces allowed under Section 25 of Zoning Ordinance #979, after adjusting the property line between Tax Lots 306 and 307, within the C-H Zone District of the City of Tillamook.

Chairperson Stewart read the hearing disclosure statement into the record, asking if any of the commissioners had ex-parte contact, conflicts of interest or bias. There were no ex-parte contacts, conflicts of interest or bias stated.

City Planner reviewed the findings and itemized the Conditions of Approval.

Commissioner Harrison asked if wetlands were delineated on site, followed by a proposed mitigation plan. Mattison replied the Army Corp of Engineers determined the wetlands delineation area and mitigation takes place elsewhere, which has been identified in the Corp of Engineers report. Tillamook County prepared the delineation report and plan. DSL has not received any comments to date, due September 27, 2008. The delineation covers parcels 1 and 2, trading 2.4 acres for 7 acres.

Commissioner Jacobs asked about the report on downstream analysis concerning Holden Creek referring to the several mature trees and bushes that appear to have been planted in the ditch and general debris found in the Creek causing general obstruction. He asked how the Planning Commission could approve an application without a resolution. General discussion followed concerning surface water drainage and suggested options. City and County Public Works Departments are working to resolve the matter.

Commissioner Huston asked if a condition relating to the traffic study was purposely omitted from the Conditions of Approval. Mattison said yes, because the County has received the traffic study.

Commissioner Harrison asked if Marolf Loop and 3rd Street would be resurfaced, including shoulder areas. Mattison said yes.

Applicant:

Jon Carnahan, President, TBCC, said to address additional off-street parking, an Intergovernmental Agreement is in place between Tillamook Fairgrounds and the College, and/or a lot line adjustment to accommodate 29 off-street parking spaces. Part of the mitigation with the County is that the College would receive additional square footage because the College is paying for the delineation and mitigation. He said the college had reviewed the staff report and does intend to comply with all the conditions of approval. He commented that the wetlands would be mitigated on an approximately 20-acre parcel purchased by Tillamook County on the Wilson River. Other areas will also be mitigated on that site.

Commissioner Harrison asked if the College would be willing to invest in making Holden Creek able to accept more water. Carnahan said, no. However, the College's goal is not to add to the problem that exists.

Michele Evans, architect, 14212 SE River Rd., Milwaukie, OR 97267 – Addressed the storm water issue saying the College plans to detain storm water on-site so that the flow to Holden Creek flow would not increase.

She addressed Condition of Approval #10. The plan actually shows 16 bicycle parking spaces; a roof overhang covers 8 parking spaces. She asked for clarification of Conditions #1 and #11 as to what sort of connections would be required. The plan shows a connection point along 3rd Street, wrapping around the site connecting to the Phase 2 future extension as well as the paving that surrounds the entire building, which connects the parking. She said the IBC code requires a minimum of 60" sidewalk width. She understood that the TSP has a different requirement which supercedes the IBC code, and requested a copy so that the standard could be met.

Support:

Bob Weeks, Tillamook Motor Co., 501 Main St. – spoke in favor of the application, saying it is a wonderful addition for the benefit of the community.

No opposition or neutral testimony.

Hearing closed at 8:40 PM.

Members generally discussed Conditions of Approval, with particular reference to further exacerbation of Holden Creek flooding issues, and changing wording from "any requirements" to "compliance with local ordinances".

Commissioner Hahn said issues surrounding Holden Creek would not be solved with conditions pertaining to this application. **Chairperson Stewart** suggested the subject be forwarded to a future agenda, and directed Mattison to do this.

Commissioner Huston questioned the appropriate wording of Condition #13, referring to "any requirements". **Chairperson Stewart** suggested this was outside the jurisdiction of the Planning Commission, which does not know all the ordinances in the various jurisdictions.

Commissioner Harrison moved that #CU-08-01 and #SP-08-02 be approved in accordance with staff's findings of facts, with amendments to Conditions of Approval as follows:

#4 - Add "or lot line adjustments".

#6 – Add "and traffic analysis report".

Based on these findings, the applicant has met the applicable criteria. Motion seconded by Commissioner Huston. Motion carried unanimously in favor.

Chairperson Stewart advised there is an appeal period ten days from the date of decision.

2. Valley Fresh Produce, revisions to Site Plan Review #SP-07-05, at Map # T1S R9W 28 Tax lot 100, within the R-0 Zone inside the City Limits and Urban Growth Boundary regarding alteration of the location of the handicapped ramp.

Chairperson Stewart read the hearing disclosure statement into the record, asking if any commissioners had ex-parte contact, conflicts of interest or bias.

Commissioner Harrison identified his previous position on the YMCA Board, but stated that there would be no bias in his decision or was no conflict of interest.

Chairperson Stewart asked the audience if there was any objection to Commissioner Harrison's statement. There was no objection from the audience.

Chairperson Stewart opened the hearing at 9:00 PM. Mattison reviewed the revised staff report as contained in packets.

Commissioner Harrison asked if there is an agreement for marked crosswalks leading to the ball fields. Mattison said yes, there is.

Commissioner Huston asked if there is a shared parking agreement Condition of Approval. Mattison said it is already in place per #SP-90-08.

Commissioner Huston asked why Condition #2 did not include "as approved by the City Planning Department", explaining there was a question about the extension of the crosswalk to the school ball field that's not shown in the site plan. He suggested a revision to the condition to include approval of the Planning Department so the crosswalks will be included.

Chairperson Stewart suggested the Condition be rephrased.

Applicant:

Don Schmitt, Executive Director, YMCA, 610 Stillwell – Addressed a concern for an easement over abutting school property by a fence – a written agreement from the school district is needed for the proposed road. He has spoken with the school superintendent, and they have verbally agreed to it.

Chairperson Stewart summarized that she understood a condition to that effect is acceptable to the YMCA, and if there are problems with the easement agreement, the YMCA would be required to return to the Planning Commission. Schmitt agreed.

Chairperson Stewart verified that the YMCA architect would be the person to answer questions about the trip generation analysis report and the comments received. Schmitt replied that he is aware that traffic that goes through, and the "Y" does try to pick up trash on a regular basis, to be a good neighbor.

Chairperson Stewart said she wanted to make sure the “Y” is very clear on its understanding of the Findings of Fact that additional crosswalks were added to requirements.

Commissioner Harrison asked Schmitt if there is to be an entrance off of Grove, through a break in the fencing. Schmitt said the architect could answer that better.

Michael Young, Carlson Veit Architects, 3095 River Rd., N, Salem – He said there is a sidewalk from 6th to the main entrance on Stillwell, which is the only public access to the building. There are other emergency exit doors. There are other sidewalks to the ball fields from Stillwell. He said he understood that crosswalk meant painted striping on the asphalt as opposed to something more elaborate, asking if there is a city code that has other requirements. **Chairperson Stewart** said the Commission would clarify during discussion.

Young spoke to pedestrian access ways from dead-end streets, saying there are cement barriers at the end of 6th and Grove, which are segmented so that pedestrian can get through and yet vehicles are blocked. If an emergency vehicle needed access, the barrier could be moved. The pedestrian connection was in response to the Zoning Ordinance. Speaking to neighborhood concerns with trash, he said there is an important connection point directly from the school to the YMCA in an effort to get children off of public streets.

The traffic analysis used trip generation reports for a recreational community center similar to a “Y”. The data is from the Institute of Transportation Engineers, *Trip Generation Report*, 7th Edition, issued in 2004 or 2005.

He suggested revisions to Conditions 3, 4, and 5, removing “prior to occupancy and operation of the facility expansion” to be replaced with “issuance of final certificate of occupancy” because the building would be in continued use during construction.

Commissioner Harrison asked if the west side of the building would have brighter lighting. Young said yes, that would be the intention with several wall-mounted lights and a pole lamp. There would be sight-obscuring fencing. The fencing would be updated so that it is all the same material.

There were other general clarification questions of the architect.

Lois Albright, PO Box 939, Tillamook - She referred wording in conditions 2, 3, and 4, “prior to occupancy”. She said the “Y” would stage construction so that programs would be ongoing. She gave the example that the current pool would be renovated following construction of the new pool so that a pool would be available at all times. She agreed with the architect’s suggested revisions to the conditions 2, 3 and 4 changing “prior to occupancy” to “prior to final inspection of the facility expansion and stage”.

Chairperson Stewart said what she had from the architect was “issuance of final certificate of occupancy”, that seemed to match what happened during the building process. Albright agreed that would work, however, portions of the facility may be used before the certificate is issued. **Stewart** said Planning Commission members would address that concern during discussion.

There was no testimony in opposition or from neutral parties. The hearing was closed at 10:00 PM.

Chairperson Stewart asked Mattison for clarification on the crosswalks. Mattison said they could be painted walks, which is usual. The City does not have an ordinance that specifically addresses crosswalk identification.

Commissioner Hahn asked if an entrance at the rear fence was necessary. Mattison said it provided a continued pathway through the site according to City code. Commissioners agreed that it needs to be there to provide a safer way for children to get to the “Y”, and the “Y” has agreed to be a good neighbor to help with trash removal. There was further discussion on revisions to conditions of approval. Commissioners discussed briefly and agreed to a brief recess at 10:08. The meeting resumed at 10:13 PM.

Chairperson Stewart reopened the hearing at 10:15. Mattison cited wording from another application, with conditions of approval similar to what was being discussed. He said, “the applicant would be permitted an overlay in operation between the existing uses and the new expansion.” The applicant was permitted a 6-month overlay, which was reviewed by the Planning Commission at the end of the 6-month period.

Chairperson Stewart reiterated the importance of no other testimony at this point in the hearing unless it was determined to be absolutely necessary for clarification, and then to address only the chairperson and answer only a specific question to a specific person. She then reopened the hearing at 10:18 to hear only from the architect in response to a specific concern about terms of occupancy. Young said that typically commercial constructions are issued a temporary certificate of occupancy so that certain portions of a building could be used before the entire project was complete. Items such as the driveway, curbs, striping, landscaping and lighting would not affect the interior use of the building, and would be completed before final certificate of occupancy would be issued. He suggested again revising condition wording to say “prior to issuance of final certificate of occupancy” that would allow the “Y” to receive a temporary certificate of occupancy to occupy portions of the expansion prior to the project being 100% complete.

Chairperson Stewart closed the hearing at 10:19, returning discussion to commission members. Mattison agreed with applicant suggestions, and reviewed each condition as he proposed. Condition #2 – “...identified in these findings, be striped **for review and approval by City staff.**” Condition #3 – “The applicant/owner agrees to abide by any requirements of the Tillamook City Public Works Department **pertaining to** water hook-up(s)....” and “... prior to **issuance of a final certificate of occupancy**”. Condition #4 – “... prior to **issuance of a final certificate of occupancy**”. Condition #5 – “... prior to **issuance of a final certificate of occupancy**”.

Commissioners discussed. Condition #2 was considered for an additional revision to say, "...paved and striped **and approved by the City Planning Department.**"

Commissioner Huston suggested an additional condition pertaining to an easement crossing Liberty School property, followed by brief discussion.

Commissioner Huston moved to approve #SP-08-03 be approved in accordance with staff Findings of Fact. Based on these findings, the applicant has met the applicable criteria. The Conditions of Approval must be met. Those that the staff has outlined, including amendments to:

#2. Removing "~~to City standards, be lighted, as shown on the approved site plan, and the crosswalks, identified in these findings, be striped,~~" prior to occupancy and operation of the facility expansion, and inserting "**approved by the City Planning Department**" prior to "~~occupancy and operation of the Facility expansion~~" "**the issuance of the Final Certificate of Occupancy.**"

#3. After "Public Works Department, for additional" "**pertaining to**" and prior to "~~occupancy and business operations in the building on the subject property~~" and inserting "**issuance of the Final Certificate of Occupancy.**"

#4. Prior to "~~occupancy and operation of the facility expansion~~" and inserting "**issuance of the Final Certificate of Occupancy.**"

#5. City Planning Commission prior to "~~the proposed use of the subject property~~" and inserting "**issuance of the Final Certificate of Occupancy.**"

#7. The applicant show on the site plan and records with the County the appropriate access easement for the driveway that crosses the school property as shown on the site plan where it intersects the Liberty School property, prior to the issuance of a Final Certificate of Occupancy.

Motion seconded by Commission Hahn.

Chairperson Stewart checked to be sure the amendment to Condition #3 would satisfy the applicant. She received affirmation.

Motion passed unanimously in favor.

Chairperson Stewart advised there is a ten-day appeal period from the date of the hearing. She said she understood there was meticulous work done on the application to make it's review and processing as wonderful as possible. An amazing job was done.

3. City of Tillamook WWTP, revisions to Conditional Use Permit #CU-06-02 and Site Plan Review #SP-06-02, at Map #T1S R10W 25CA Tax lots 1400 and 1500, within the R-7.5 and P&S-P Zone inside the City Limits and Urban Growth Boundary regarding alteration of the landscaping

V. ITEMS OF HIGH PUBLIC INTEREST:

1. Oregon State Quarterly Ethics Reports.

City Planner distributed the Quarterly Public Official Disclosure forms to the Planning Commission member and stated that these reports are due on October 15, 2008.

VI. ITEMS OF COMMISSION CONCERN:

1. **Open Forum:** **Commissioner Hahn** said he is concerned about Holden Creek. **Chairperson Stewart** said she had directed the Planner to put this on a future agenda. **Commissioner Huston** asked that Public Works Director Arley Sullivan be invited to that meeting.

Commissioner Huston asked if there are codes to govern the appearance of buildings, specifically the Western Royal Motel and the lack of finishing repairs from the December 2007 storm damage. Mattison advised that enforcement actions are limited; it is an aesthetics issue.

Mattison advised that Commissioner Munoz will be resigning from the Commission soon due to his work load.

VII. ANNOUNCEMENTS:

Mattison also encouraged members to tune into the on-line training sessions as they are able.

VIII. ADJOURNMENT OF PUBLIC HEARING:

There being no further business, the meeting was adjourned at 10:15 pm.

Submitted by,
David Mattison, City Planner

Approval Acknowledged by:

Jan Stewart, City Planning Commission Chair

Date